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Attorneys for Plaintiff EXDS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN JOSE DIVISION)

In re:

EXDS, INC. (f/k/a EXODUS  
COMMUNICATIONS, INC.), et al.,  
Debtor.

EXDS, INC. (f/k/a EXODUS  
COMMUNICATIONS, INC.),  
Plaintiff,

v.

DEVCON CONSTRUCTION, INC.,  
SHARP DEVELOPMENT COMPANY,  
INC., and SHARP LAFAYETTE, LLC,  
Defendants.

Case No. C05-787 PVT.

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE HEARING ON  
DEVCON CONSTRUCTION'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
ON COUNT VI (PREFERENCE CLAIM)  
OF EXDS' FIRST AMENDED  
COMPLAINT**

Judge: Honorable Patricia V. Trumbull

Place: Courtroom 5, 4th Floor

1 The parties to this action hereby agree that this Stipulation be entered, subject to the approval  
2 of the Court, as follows:

3 WHEREAS the hearing on Devcon's Motion for Partial Summary Judgment on Count VI  
4 (Preference Claim) of EXDS' First Amended Complaint (the "Motion") is currently set for June 14,  
5 2004 at 10:00 a.m.;

6 WHEREAS counsel for EXDS has requested that the June 14 hearing be continued due to a  
7 family emergency;

8 IT IS HEREBY STIPLATED AND AGREED THAT, subject to Court approval, the hearing  
9 on Devcon's Motion shall be continued from June 14, 2005 to July 12, 2005 at 10:00 a.m.

10  
11 STIPULATED AND AGREED:

12  
13 Dated: June 13, 2005

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

14  
15 By: \_\_\_\_\_/s/  
16 Kenneth E. Keller  
17 Attorneys for EXDS, Inc.

18 Dated: June 13, 2005

MILLER, MORTON, CAILLAT & NEVIS, LLP

19  
20 By: \_\_\_\_\_/s/  
21 Christopher J. Hersey  
22 Attorneys for Devcon Construction, Inc.

**ORDER**

The parties having stipulated, and good cause appearing, the hearing on Devcon's Motion for Partial Summary Judgment On Count VI (Preference Claim) Of EXDS' First Amended Complaint is continued to July 12, 2005 at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: 6/14/05

/s/ Patricia V. Trumbull

THE HON. ~~CLIFF~~ MAGISTRATE JUDGE  
PATRICIA V. TRUMBULL